

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**LAWRENCE W. BUNCH, et al.,**

**Plaintiffs,**

**v.**

**W. R. GRACE & CO., et al.,**

**Defendants.**

**Case No. 05-11602 (MLW)**

**JOINT MOTION TO CONTINUE THE EXTENSION OF TIME FOR  
DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Plaintiffs Lawrence W. Bunch, Jerry L. Howard, Sr., and David Mueller and Defendants W. R. Grace & Co., W. R. Grace & Co. Investment and Benefits Committee, Fred E. Festa, Paul J. Norris, Robert M. Tarola, John F. Akers, Henry Furlong Baldwin, Ronald C. Cambre, Marye Anne Fox, John J. Murphy, Thomas A. Vanderslice, Fidelity Management Trust Company, State Street Bank and Trust Company, and State Street Global Advisors, by and through their undersigned counsel, hereby jointly move for a continuation of the extension of time already in place for the Defendants to answer or otherwise respond to the Complaint. In support of their motion, the parties state as follows:

1. This case was originally filed by the Plaintiffs in the Eastern District of Kentucky on October 26, 2004.
2. At that time, another case alleging claims under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.*, against many of the same Defendants was already pending in this Court before Judge Young. *See Evans v. Akers*, Case No. 04-11380 (WGY) (D. Mass.) (the “Evans Action”).

3. Defendants in this action, therefore, moved to transfer venue of the case to this Court, anticipating that, if granted, the Defendants would then file a motion to consolidate this action with the Evans Action.

4. On July 21, 2005, the Eastern District of Kentucky granted the Defendants' venue transfer motion. The Bunch Action was then transferred to this Court on August 4, 2005, and assigned Case No. 05-11602 (MLW).

5. The Defendants are now in the progress of preparing their motion to consolidate this action with the Evans Action and plan on filing that motion shortly.

6. The current deadline for the Defendants to answer or otherwise respond to the Complaint in this case is thirty days from the date of the venue transfer order, *i.e.*, August 22, 2005.

7. The parties respectfully request that this Court continue the extension of time for the Defendants to answer or otherwise respond to the Complaint for 30 days, *i.e.*, until September 21, 2005, as set forth in the accompanying Proposed Order.

Dated: August 5, 2005

Respectfully submitted,

LAWRENCE W. BUNCH, JERRY L. HOWARD, SR.,  
AND DAVID MUELLER

By their counsel,

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**Case No. 05-11602-MLW**

**ORDER**

**UPON CONSIDERATION** of the Joint Motion to Continue the Extension of Time for Defendants to Answer or Otherwise Respond to the Complaint, the entire record herein, and in due consideration of the bases thereof it is, this \_\_\_\_ day of August, hereby:

**ORDERED** that the Motion be, and hereby is, **GRANTED**; and

**ORDERED** that Defendants' time to answer or otherwise respond to the Complaint shall be continued until September 21, 2005.

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United States District Court Judge